

1194
C82H1

1934 and 1935 COTTON ACREAGE REDUCTION PLAN

LIBRARY
RECEIVED
★ FEB 5 - 1934 ★
U. S. Department of Agriculture

Part II.

ADMINISTRATIVE RULINGS

RELATING TO THE 1934 AND 1935 COTTON ACREAGE REDUCTION CONTRACTS

1. Qualifications for signing contracts.--Any producer who is an owner, landlord, cash tenant, or managing share-tenant and who operates or controls a cotton farm may be a party to a 1934 and 1935 Cotton Acreage Reduction Contract covering such farm, provided that on the land now in such farm:

(a) Cotton was planted at least 4 years of the base period 1928 to 1932 inclusive, or

(b) Cotton was planted for 3 years of the base period, 1 of which years was either 1931 or 1932, or

(c) Cotton was planted in both of the years 1931 and 1932.

Except that--

(d) In the event that the producer failed to grow cotton in the years specified in any of the above clauses (a), (b), and (c), but fulfilled an acreage reduction contract with the Secretary of Agriculture in 1933 and will farm the land in 1934 on which such a contract was fulfilled, he may enter into a contract covering such farm and shall have as his base acreage the acreage planted to cotton on such farm in 1933 or, if cotton was planted in both years, the average acreage so planted in 1932 and 1933, and the average yield per acre shall be fixed by the County Committee in accordance with the 1928 to 1932 yields of other similar lands in the community.

And provided in any event that--

(e) The reduction in 1934 shall not be less than 2 acres and

(f) On land now in the farm planted to cotton for whichever of the above periods is applicable, the average annual production for such period shall not have been less than 100 pounds of lint cotton per acre.

2. Fractional Units in Acres or Yield of Lint per Acre.--In all figures representing final results of calculations as to acreage or yield of lint cotton per acre, fractions amounting to half a unit or less shall be dropped, and fractions amounting to more than half a unit shall be considered a whole unit.

3. Acres Planted to Cotton.--The number of acres planted to cotton for any year shall be that number of acres of cotton in cultivation on July 1 of such year.

4. Adjustment of Individual Allotments.--Reported data of acreage and production of lint cotton on individual farms cannot be raised in order to make the total of county or parish reports equal to the county or parish production figure as prescribed by the Secretary of Agriculture, but if the total of the reported data exceeds the county or parish production figure, it must be reduced so as to come within such figure.

ADMINISTRATIVE RULINGS AND INSTRUCTIONS

5. Tracts of Land Operated by Managing Share-Tenants.--No single contract shall include tracts of land operated by different managing share tenants or tracts of land operated by a managing share-tenant or tenants and owned by different landlords.

6. The Designation and Location of the Farm.--(a) Operating owners, landlords, or cash tenants, who have direct management of the farms, paying their tenants a fixed amount or a fixed percentage of the crop, controlling the kind and amounts of crops to be grown and retaining complete ownership in these crops and managing share-tenants (subject to Ruling 5) may enter all of their holdings (within 1 county or parish) as 1 farm under a single contract, subject to the provisions of Paragraph 7 of the contract.

(b) When a given acreage of land in 1 or more tracts owned by a person, firm or corporation, is operated as 1 farm and is located partly in each of 2 or more counties or parishes in the same state, or different states, such farm should be reported in the county or parish in which the farming headquarters, as a center of operation, is located. In the absence of a headquarters on the farm, a farm should be reported in the county or parish in which the major part is located and the contract shall be handled by the appropriate community committee of such county. Any acreage, and the average production thereon, so added to any county or parish shall be reported to the County Committee of the county or parish in which such acreage is located and to the State Board of Review by the County Committee having jurisdiction.

7. Release of Farms from Paragraph 2 of Contract.--The Cotton Section, Production Division, Agricultural Adjustment Administration, may suspend the provisions of Paragraph 2 of the contract in respect to any producer and authorize the exemption of particular farms from the provisions of such paragraph, when evidence satisfactory to the Cotton Section has been presented showing that such suspension is necessary in order to permit the producer to sign a contract. Such exemption shall be subject to such terms and conditions as the Cotton Section may impose.

8. Contracts Signed in a Representative Capacity.--(a) In the event a 1934 and 1935 cotton acreage reduction contract is to be executed on behalf of a corporation, it should be signed by an authorized officer or representative who should state his title, furnish evidence of his authority, and affix the corporate seal (if any) to the contract; or, by a representative who has been authorized to execute such contract by an instrument under seal filed with the Agricultural Adjustment Administration at Washington, D. C., which authorization shall be considered a part of the contract.

(b) A 1934 and 1935 cotton acreage reduction contract signed by an executor, administrator, receiver, or guardian of a minor or incompetent, or other fiduciary should be accompanied by a certified copy of a Court Order authorizing the signing of such contract.

(c) When a 1934 and 1935 cotton acreage reduction contract is signed by a manager or agent for the owner or producer, the original or a certified copy of the "Power of Attorney" granting authority to the manager or agent should be attached to the contract.

1934 and 1935 COTTON ACREAGE REDUCTION PLAN

9. "Rented Acres."--The rented acres cannot be made a source of profit by leasing or otherwise disposing of their use or by sale or exchange, directly or indirectly, of products produced on the rented acres, nor can feed crops that would normally be grown on other land for the feeding of livestock be diverted to the rented acres, thereby releasing acreage for the production of some crop or crops for sale.

10. Release of Rented Acres.--The rented acres of 1934 will be released from the terms of the contract in 1934 for the purpose of planting any crop or crops for harvest in 1935, subject to the provisions of Paragraph 4 of the contract, and the rented acres of 1935 will be released from the terms of the contract, in 1935 for the purpose of planting any crop or crops for harvest in 1936; provided, however, that if the rented acres when so released are used for the growing of any crop for sale directly or indirectly, the total acreage of such crop on this farm in each of the years 1934 and 1935 shall not be in excess of its acreage in 1932 or 1933.

11. Production of Other Basic Commodities Permitted.--Nothing in Paragraph 4 of the contract shall be construed as prohibiting planting in 1934 or 1935 of any number of acres of any crop or the production of any livestock or product there-of which is designated as a basic commodity under the Act, if any contract between the producer (or owner) and the Secretary permits such number of acres or production on the farm.

12. Use of the Rented Acres.--The Secretary of Agriculture may require the rented acres to be used in such manner and for such purposes as he may direct. In the absence of such direction the rented acres may be used as permitted by Paragraphs 4 and 7 of the contract. As used in the contract:

(a) The terms "soil-improving crops" and "erosion-preventing crops" mean crops such as cowpeas, field peas, clover, vetch, lespedeza, etc., used to cover the ground and which are to be plowed under for the purpose of improving and maintaining fertility. Such crops may not be pastured or otherwise harvested.

(b) The term "food crops" means such crops as vegetables, grains, etc., which can be used by the producer for human consumption on the farm. Under no circumstances can such crops be sold or exchanged.

(c) The term "feed crops" means such crops as grains, forage, hay, etc., which can be used by the producer for the production of such livestock or livestock products as will be used or consumed on the farm. Under no circumstance can such crops or the livestock and livestock products produced therefrom be sold or exchanged.

(d) The term "fallowing" means that the ground may be permitted to lie unplanted or uncultivated, except that noxious weeds shall be destroyed before their seed matures. It is especially recommended that this practice (fallowing) be followed in cases where there is a minimum of soil erosion and where it is desirable to control or eradicate weed growth.

Rented acres shall not include any land which is now or will be retired from production of crops for market under any other contract with the Secretary.

ADMINISTRATIVE RULINGS AND INSTRUCTIONS

Without prejudice to or limitation of any other right or remedy of the Secretary, if rented acres are used contrary to the terms of the 1934 and 1935 cotton acreage reduction contract or of these rulings, the Secretary may, through any agency designated by him, take such action as he may see fit to control the use of such acres, the cultivation thereof, and the disposition of crops thereon, in order to effectuate the purpose and intent of the contract. Any expense incurred under the terms of this ruling in the cultivation or disposition of crops on the rented acres shall be deducted from any sums which may be due or become due to the producer under the terms of the contract.

13. Certification of Performance.--Certification of contractual performance on the part of the producer before he may become eligible to receive the second installment of the rental payment due between August 1 and September 30, 1934, approximately, shall not be made before July 15, 1934, and in the event that the Secretary of Agriculture prescribes any reduction in the acreage to be planted to cotton in 1935, certification as to eligibility to receive the second installment of the rental payment for 1935 shall not be made before July 15, 1935.

14. Change of Producer.--In the event that any producer who has executed a 1934 and 1935 cotton acreage reduction contract, which has been accepted by the Secretary of Agriculture, or any producer who has not executed a contract, changes his legal relation to the farm, or acquires a legal relation thereto, and under the terms of the contract is after such change or acquisition entitled to any payment, or part thereof, he may become or remain, as the case may be, a party to the contract with the approval of the County Committee following the execution of the prescribed form, and shall thereafter be entitled, as provided in said form, to payments or parts thereof.

Where any producer who has executed a contract dies, and another producer continues the operation of the farm in 1934 and/or 1935, the latter may be substituted as a party to the contract in place of such deceased producer upon recommendation of the County Committee and with the approval of the Cotton Section, by executing a form to be provided therefor.

In the above cases three copies of the prescribed form shall be filled out and the original forwarded to the Cotton Section, Agricultural Adjustment Administration, Washington, D. C., and payment after the date entered in the form as approved shall be continued to the new or substituted producer upon certification of compliance with the terms of the contract. One copy of the form should be attached to the contract and one copy should be given to the new or substituted producer.

15. Change in Status of the Tenant.--If the County Committee has reason to believe that the farm to be covered by a 1934 and 1935 cotton acreage reduction contract is to be rented to a managing share-tenant for 1934, no contract shall be considered by the County Committee until such managing share-tenant has been obtained. No contract shall be recommended by the County Committee for acceptance by the Secretary of Agriculture where the Committee has reason to believe that the status of a tenant has been changed for 1934 from that of a managing share-tenant for the farm covered by such contract, in order to deprive such tenant of a share of payments under the contract or where the Committee has reason to believe that the owner or landlord has adopted any device for the purpose of depriving such tenant of his share of such payments.

1934 and 1935 COTTON ACREAGE REDUCTION PLAN

16. Receipts of Share Tenants and Share Croppers.--No receipt signed pursuant to Paragraph 10 (a) of the contract shall be valid unless signed after December 1, 1934. No contract shall be recommended by the County Committee for acceptance by the Secretary of Agriculture if it appears that any device has been adopted by the owner or landlord for the purpose of depriving share tenants and/or share croppers of the benefits to them provided for by Paragraphs 7 and 10 of the contract and any contract accepted by the Secretary of Agriculture may be terminated by him in the event that he determines (and his determination shall be final and conclusive) that any such device has been adopted whether before or after such acceptance.

17. Effect of Breach of Contract on Other Contracts.--A breach of one 1934 and 1935 cotton acreage reduction contract shall, at the election of the Secretary of Agriculture, constitute a breach of all other such contracts executed by the party committing the breach.

18. Identification of Rented Acres.--Unless otherwise required by the Secretary of Agriculture the boundaries of the rented acres shall be definitely marked by substantial, visible posts or stakes in such manner as the County Committee shall require.

Issued this 29th day of November, 1933.

C. A. Cobb,
Chief, Cotton Section, Production Division,
Agricultural Adjustment Administration.

Approved:

Henry A. Wallace,
Secretary of Agriculture.

